

United States Postal Service

§ 955.4

(4) *Manner of filings.* Pleadings and other communications shall be filed using the electronic filing system unless the Board permits otherwise. Documents submitted using that system are considered filed with the Board as of the date/time (Eastern Time) reflected in the system. Documents mailed to the Board are considered filed with the Board on the date mailed as evidenced by a United States postmark. Filings submitted by any other means are considered filed with the Board upon receipt by the Recorder of a complete copy of the filing during the Board's working hours (8:45 a.m.–4:45 p.m. Eastern Time).

(5) *Service.* If both parties to an appeal are participating via the electronic filing system, separate service upon the opposing party is not required. Otherwise, documents shall be served personally or by mail with the opposing party by an equally or more expeditious means of transmittal, noting on the document filed with the Board, or on the transmitting letter, that a copy has been furnished. The filing of a document by fax transmission occurs upon receipt by the Board of the entire legible submission by fax. Copies of simultaneous briefs shall not be filed electronically or otherwise exchanged by the parties but rather shall be filed only with the Board by mail, fax, commercial carrier, or in-person. The Board will distribute simultaneous briefs electronically, or otherwise as appropriate. The Board may determine not to extend a deadline for filing if the extension is necessary solely because the Board's fax machine is busy or otherwise unavailable when a filing is due. Submissions filed by fax shall be followed promptly by filing by mail.

[74 FR 20592, May 5, 2009, as amended at 76 FR 37660, June 28, 2011; 80 FR 31304, June 2, 2015; 81 FR 7208, Feb. 11, 2016]

EFFECTIVE DATE NOTE: At 81 FR 40193, June 21, 2016, § 955.1 was amended by revising the final sentence of paragraph (b)(1), effective July 21, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 955.1 Jurisdiction, procedure, service of documents.

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(b) * * *

(1) * * * The Web site for electronic filing is <https://uspsjoe.justware.com/justiceweb>.

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§ 955.2 Initiation of appeals.

An appeal must be initiated by the filing of a notice of appeal (or equivalent). See § 955.1(c)(4). The notice of appeal must be in writing and must be filed within the time specified by applicable law.

[80 FR 31304, June 2, 2015]

§ 955.3 Contents of notice of appeal.

(a) A notice of appeal from a contracting officer's decision should indicate that an appeal is thereby intended. It should identify the contract by number or other identifying reference, and identify the decision from which the appeal is taken, or it should attach a copy of the contracting officer's decision. If an appeal is taken from the failure of a contracting officer to issue a decision, the notice of appeal should describe in detail the claim that the contracting officer has failed to decide and/or attach a copy of the claim that the contracting officer has failed to decide, and explain that the contracting officer has failed to decide the claim as required.

(b) The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 955.7 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 955.4 Forwarding of appeals.

If a party seeking to file an appeal submits a notice of appeal to the contracting officer instead of filing it using the electronic filing system, the contracting officer shall indicate thereon the date of receipt and shall forward the notice of appeal, including any envelope or other wrapping indicating the date of mailing, within 10 days to the Postal Service General